

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

EASTLAND MUSIC GROUP, LLC, a Florida Limited Liability Company, and RAYNARLDO WHITTY

Plaintiffs,

v.

LIONSGATE ENTERTAINMENT, INC., a Delaware Corporation, SUMMIT ENTERTAINMENT, LLC, a Delaware Limited Liability Company, and MANDATE PICTURES, LLC, a Delaware Limited Liability Company,

Defendants.

Case No: 11-cv-08224

Judge Lindberg

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

MAY 14 2012

FILED

DECLARATION OF TOM J. FERBER IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(6)

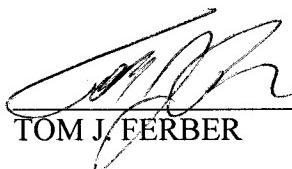
Tom J. Ferber declares as follows:

1. I am a member of Pryor Cashman LLP, counsel for Defendants Summit Entertainment, LLC, Mandate Pictures, LLC and Lions Gate Entertainment, Inc. I submit this declaration in connection with Defendants' motion pursuant to Federal Rule of Civil Procedure 12(b)(6), for the sole purpose of putting into the record before the Court a copy of Defendants' film, "50/50" (the "Film"), which is the subject matter of the Complaint.

2. Submitted herewith as Exhibit A is a true and correct copy of the Film, in DVD format, together with its commercial packaging, as it is offered to the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 10, 2012.



TOM J. FERBER

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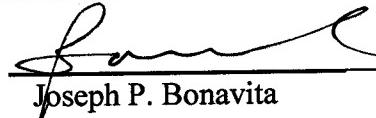
LIONSGATE ENTERTAINMENT, INC., a Delaware
Corporation, SUMMIT ENTERTAINMENT, LLC, a
Delaware Limited Liability Company, and MANDATE
PICTURES, LLC, a Delaware Limited Liability Company,

Defendants.

CERTIFICATE OF SERVICE

I, Joseph P. Bonavita, an attorney, hereby certify that I served a copy of the *Declaration of Tom J. Ferber in Support of Defendants' Motion to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(b)(6)*, along with Exhibit A (true and correct copy of the film, "50/50", in DVD format) on the following individual(s) via messenger on May 14, 2012.

Ronald A DiCerbo
McAndrews, Held & Malloy, P.C.
Northwestern Atrium Center
500 West Madison Street
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Chicago, IL 60661
rdicerbo@mhmlaw.com



Joseph P. Bonavita

Exhibit A

(True and Correct Copy of the Film, "50/50", in DVD Format)